

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

SAMSUNG ELECTRONICS CO., LTD.)	
and SAMSUNG SEMICONDUCTOR, INC.,)	
)	
Plaintiffs,)	
)	
v.)	C.A. No. 21-1453 (JLH)
)	
NETLIST, INC.,)	
)	
Defendant.)	
_____)	
NETLIST, INC.,)	
)	
Counterclaim Plaintiff,)	
)	
v.)	
)	
GOOGLE LLC, ALPHABET INC.,)	
SAMSUNG ELECTRONICS CO., LTD.)	
and SAMSUNG SEMICONDUCTOR, INC.,)	
)	
Counterclaim Defendants.)	

NOTICE OF JURY VERDICT IN RELATED PROCEEDING

On December 1, 2023, the Court granted the motion to stay this action filed by Plaintiffs and Counterclaim–Defendants Samsung Electronics Co., Ltd. (“Samsung”) and Samsung Semiconductor, Inc. (“SSI”) in light of *Netlist Inc. v. Samsung Electronics Co., Ltd.*, No. 8:20-cv-00993-MCS-ADS, a co-pending contract action in the Central District of California. *See* D.I. 223 (Order); D.I. 202 (Motion). In its December 1, 2023 Order, the Court directed the parties to “notify the Court within 7 days of any action by the Central District of California (or any other court) pertaining to the parties[’] rights under the JDLA that may merit lifting the stay.” D.I. 223.

On March 24, 2025, a jury in the Central District of California Action issued its verdict, adopting Netlist's proffered meaning of the disputed provision of the contract. *See* Ex. A (Verdict Form). The Court has not entered judgment in the Central District of California Action.

Samsung intends to challenge the verdict in post-trial motions, and if the Court enters an adverse judgment, Samsung intends to appeal. For at least these reasons, the Court should maintain the stay in this action.

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March 31, 2025

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EXHIBIT A



UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

NETLIST INC.,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO.,
LTD.,

Defendant.

Case No. 8:20-cv-00993-WLH-ADS

VERDICT FORM

VERDICT

We answer the questions submitted to us as follows:

QUESTION NO. 1:

At the time the parties entered the Joint Development and License Agreement (“JDLA”), what did the parties intend Section 6.2 to mean?

☒ A. Samsung agreed to supply NAND and DRAM products to Netlist on Netlist’s request at a competitive price, not limited to use in the joint development project.

☐ B. Samsung agreed to supply, pursuant to the JDLA, NAND and DRAM products to Netlist only for the parties’ NVDIMM-P joint development project, on Netlist’s request at a competitive price.

If your answer to Question No. 1 is option A, do not answer Question No. 2, and have the presiding juror sign and date this form.

If your answer to Question No. 1 is option B, answer Question No. 2.

QUESTION NO. 2:

Did Netlist prove that Samsung materially breached its obligations under Section 6.2?

☐ Yes

☐ No

Have the presiding juror sign and date this form.

REDACTED

Dated: 03/24/25

Signed: _____

Presiding Juror

CERTIFICATE OF SERVICE

I hereby certify that on March 31, 2025, I caused the foregoing to be electronically filed with the Clerk of the Court using CM/ECF, which will send notification of such filing to all registered participants.

I further certify that I caused copies of the foregoing document to be served on March 31, 2025, upon the following in the manner indicated:

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